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Tarrant County Texas

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CITY SECRETARY
CONTRACT NO. 32094-A1

Suzanne Henderson
Suzanne Henderson
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AMENDMENT OF OIL AND GAS LEASE

STATE OF TEXAS }

COUNTY OF TARRANT }

WHEREAS, the City of Fort Worth, a home rule municipal corporation of the State of Texas located within Tarrant, Denton, and Wise Counties, Texas, (hereinafter referred to as "Lessor"), entered into an Oil and Gas Lease Agreement (hereinafter referred to as "The Lease") with XTO Resources I, LP, now known as XTO Energy Inc. (hereinafter referred to as "Lessee"), dated July 12, 2005, filed of record July 22, 2005, under Document Number D205211884 in the County Records of Tarrant County, Texas, and being described on Exhibit "A" of the Lease as follows, to-wit:

378.543 acres, more or less, in the Shelby County School Land Survey, Abstract #1375, and being more particularly described as the following 11 Tracts:

Tract 1: 75.78, acres more or less, being part of Block 43 and Block 56 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Jack B. McCarty to City of Fort Worth, a municipal corporation, dated August 8, 1968, recorded in Volume 4607, Page 740, Tarrant County Deed Records, Tarrant County, Texas.

Tract 2: Approximately 60.00 acres more or less, being part of Block 44, Block 54 and Block 45 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from T.C. Duncan and wife, Muriel M. Duncan to City of Fort Worth, a municipal corporation, dated June 15, 1984, recorded in Volume 7865, Page 214; AND all lands described by metes and bounds in Warranty Deed from Limuel A. Brown and wife to Texas Electric Service Company, dated May 20, 1966, recorded in Volume 4218, Page 414, Tarrant County Deed Records, Tarrant County, Texas.

Tract 3: Approximately 8.255 acres more or less, being part of Block 44 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Esco Elevators, Inc., et al to City of Fort Worth, a municipal corporation, dated October 16, 1985, recorded in Volume 8356, Page 1303, Tarrant County Deed Records, Tarrant County, Texas, **containing 6.50 acres more or less; AND** All that part and only that part of the described Warranty Deed from Adelle Weaver Taylor and wife to Texas Electric Service Company, dated June 2, 1966, recorded in Volume 4222, Page 660, Tarrant County Deed Records, Tarrant County, Texas, and

being only that portion that that lies within the approximate south 400 feet more or less of the said tract herein described in Volume 4222, Page 660, and the south 400 feet being approximately 1.755 acres of land.

Tract 4: 2.60 acres more or less, being part of Block 54 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Quit Claim Deed from Jessie R. Sims, et al to City of Fort Worth, a municipal corporation, dated November 25, 1985, recorded in Volume 8402, Page 2013, Tarrant County Deed Records, Tarrant County, Texas.

Tract 5: 11.311 acres more or less, being part of Block 54 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Jessie R. Sims, individually, et al to City of Fort Worth, a municipal corporation, dated November 25, 1985, recorded in Volume 8402, Page 1993, Tarrant County Deed Records, Tarrant County, Texas.

Tract 6: 9.385 acres more or less, being part of Block 54 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Glenn R. Swain and wife to City of Fort Worth, a municipal corporation, dated November 25, 1985, recorded in Volume 8402, Page 2001, Tarrant County Deed Records, Tarrant County, Texas.

Tract 7: 2.996 acres more or less, being part of Block 54 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Thomas L. Hamblet to City of Fort Worth, a municipal corporation, dated November 25, 1985, recorded in Volume 8402, Page 2005, Tarrant County Deed Records, Tarrant County, Texas.

Tract 8: 2.906 acres more of less, being part of Block 54 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Howard E. Webb and wife to City of Fort Worth, a municipal corporation, dated November 25, 1985, recorded in Volume 8402, Page 2009, Tarrant County Deed Records, Tarrant County, Texas,

Tract 9: 3.724 acres more or less, being part of Block 54 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Larry J. Coker, et al to City of Fort Worth, a municipal corporation, dated November 25, 1985, recorded in Volume 8402, Page 1996, Tarrant County Deed Records, Tarrant County, Texas,

Tract 10: 199.956 acres more or less, being part of Block 55 and Block 56 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Clarence E. Young and Corren A. Young to City of Fort Worth, a municipal corporation, dated October 5, 1971, recorded in Volume 7303, Page 280, Tarrant County Deed Records, Tarrant County, Texas.

Tract 11: 1.63 acres, more or less, out of the Shelby County School Land Survey Abstract# 1375, and being more particularly described in the at certain Quit Claim Deed, dated December 1, 1986 from D.D. McLean and wife Velma McLean to the City of Fort Worth, and recorded in Volume 8778, Page 741, in the Deed Records of Tarrant County, Texas.

WHEREAS, the Third Paragraph on Page 1, under #1; "Granting Clause" of the Lease reads as follows, to-wit:

"For the purpose of determining the amount of any bonus or other payment hereunder, said leased premises shall be deemed to contain 378.543 acres, whether actually containing more or less."

WHEREAS, the Second Paragraph on Page 1 of the Exhibit "A" attached to the Lease and made a part of the Lease, reads as follows, to-wit:

"378.543 acres more or less, in the Shelby School Land Survey, Abstract # 1375, and being more particularly described as the following 11 Tracts:"

WHEREAS, it has been determined that the acreage leased is actually 373.821 acres more or less.

WHEREAS, it is the desire of the Lessor and Lessee herein to amend and change the Third Paragraph on Page 1, under Number 1; "Granting Clause" of the Lease to read as follows, to-wit:

"For the purpose of determining the amount of any bonus or other payment hereunder, said leased premises shall be deemed to contain 373.821 acres, whether actually containing more or less."

AND, it is the desire of the Lessor and Lessee herein to amend and change the Second Paragraph on Page 1 of the Exhibit "A", attached to the Lease and made a part of the Lease, to read as follows, to-wit:

"373.821 acres more or less, in the Shelby School Land Survey, Abstract # 1375, and being more particularly described as the following 11 Tracts:"

WHEREAS, Tract 1, on Page 1 of the Exhibit "A", attached to the Lease and made a part of the Lease, reads as follows, to-wit:

"Tract 1: 75.78, acres more or less, being part of Block 43 and Block 56 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Jack B. McCarty to City of Fort Worth, a municipal corporation, dated August 8, 1968, recorded in Volume 4607, Page 740, Tarrant County Deed Records, Tarrant County, Texas.

WHEREAS, it is the desire of the Lessor and Lessee herein to amend and change Tract 1, on Page 1 of the Exhibit "A", attached to the Lease and made a part of the Lease, to read as follows, to-wit:

"Tract 1: 71.058 acres, more or less, being part of Block 43 and Block 56 of the Shelby School Land Survey, Abstract 1375 and being more particularly described as follows, to-wit:

75.78, acres more or less, being part of Block 43 and Block 56 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in Warranty Deed from Jack B. McCarty to City of Fort Worth, a municipal corporation, dated August 8, 1968, recorded in Volume 4607, Page 740, Tarrant County Deed Records, Tarrant County, Texas,

LESS AND EXCEPT

4.722 acres, more or less, being a part of Block 43 of the Shelby School Land Survey, Abstract 1375, and being all lands described by metes and bounds in a Special Warranty Deed from The City of Fort Worth, a municipal corporation of Tarrant, Denton, and Wise Counties, Texas, as Grantor, to The City of Forest Hill, a municipal corporation of Tarrant County, Texas, as Grantee, dated June 8, 2005 and filed June 9, 2005 as Document Number D205163855 in the Tarrant County Deed Records, Tarrant County, Texas.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), and other good and valuable consideration in hand paid by the Lessee or its assigns, the receipt and sufficiency of which are hereby acknowledged, the undersigned do hereby amend The Lease by replacing the Third Paragraph on Page 1, under #1; "Granting Clause" of the Lease, and replacing the Second Paragraph on Page 1 of the Exhibit "A", attached to the Lease and made a part of the Lease, and by replacing Tract 1, on Page 1 of the Exhibit "A", attached to the Lease and made a part of the Lease, as stated above.

AND, for the same consideration recited above, I, or we, the undersigned, jointly and severally, do hereby, adopt, ratify and confirm The Lease and all of its provisions, except as herein modified and amended, and do hereby grant, lease, and let, unto the Lessee therein or its successors and assigns, any and all interest which I, or we, now have, or may hereafter acquire, either by conveyance, devise, inheritance, or operation of law, and whether, vested, expectant, contingent or future, in and to the lands described therein, in accordance with each and all of the provisions contained in The Lease, as amended hereby, and the undersigned hereby declare that The Lease and all of its provisions are binding on the undersigned and is a valid and subsisting Oil and Gas Lease and this agreement shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of each of the undersigned.

This instrument may be executed as one document signed by all parties or this instrument may be executed in multiple counterparts, with the same force and effect as if all parties executed the same instrument. One original of this document with a signature page and acknowledgment page for each of the undersigned attached thereto shall be deemed to constitute one instrument for recordation in the Official Records of Tarrant County, Texas.

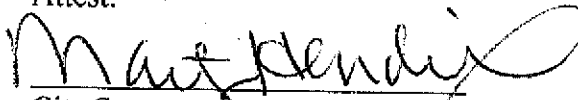
Dated on the acknowledgment dates of each of the undersigned.

LESSOR:

City of Fort Worth


By: 
Assistant City Manager

Attest:


City Secretary

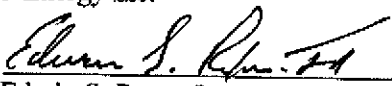
NO M&C REQUIRED

Approved as to Form and Legality:


Assistant City Attorney

LESSEE:


XTO Energy Inc.

By: 
Edwin S. Ryan, Jr.
Sr. Vice President - Land Administration

BA

STATE OF TEXAS §
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COUNTY OF TARRANT §

This instrument was acknowledged before me this 26th day of January 2009,
by Fernando Costa, Assistant City Manager, on behalf of The City of Fort
Worth, Texas.


Notary Public in and for the
State of Texas

My commission expires:

07-26-2011



Printed Name of Notary Public

THE STATE OF TEXAS

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COUNTY OF TARRANT

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This instrument was acknowledged before me this 27 day of January 2009, by Edwin S. Ryan, Jr., Sr. Vice President - Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



Dorinda C West

Notary Public in and for the
State of Texas

My commission expires:

06-22-2011

DORINDA C WEST

Printed Name of Notary Public